

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1741**

**Introduced by Committee on Judiciary (Jones (Chair), Evans,  
Laird, Levine, Lieber, and Montanez)**

March 2, 2005

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~~An act relating to jury waivers. An act to amend Section 1281 of the Code of Civil Procedure, relating to arbitration.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1741, as amended, Committee on Judiciary. ~~Jury trials: waiver Arbitration.~~

*Existing law provides that a written agreement to submit a dispute to arbitration is valid and irrevocable except upon the grounds that exist for revocation of a contract.*

*This bill would instead provide that these agreements may not be revoked except upon the grounds that exist for rescission of a contract.*

~~Existing law sets forth the manner in which a party to a civil action may waive his or her right to a jury trial.~~

~~This bill would declare the intent of the Legislature to prescribe by statute the circumstances and manner in which a jury may be waived by contract in a civil matter, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     ~~SECTION 1. It is the intent of the Legislature to prescribe by~~
- 2     ~~statute the circumstances and manner in which a jury may be~~

1 ~~waived by contract in a civil matter, as discussed in Grafton~~  
2 ~~Partners v. Superior Court (2004) 115 Cal. App.4th 700.~~

3 *SECTION 1. Section 1281 of the Code of Civil Procedure is*  
4 *amended to read:*

5 1281. A written agreement to submit to arbitration an existing  
6 controversy or a controversy thereafter arising is valid,  
7 enforceable and irrevocable, ~~save except~~ upon ~~such the~~ grounds  
8 ~~as that~~ exist for the ~~revocation~~ *rescission* of any contract.